

Meeting Minutes January 12, 2006

Town of Los Altos Hills City Council Regular Meeting

Thursday, January 12, 2006 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Kerr called the City Council Regular Meeting to order at 6:00p.m. in the Council Chambers at Town Hall.

Present: Mayor Breene Kerr, Mayor Pro Tem Dean Warshawsky, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Maureen Cassingham, Assistant City Attorney John Bakker, Planning Director Carl Cahill, Administrative Services Director Sarah Ragsdale, Director of Public Works/City Engineer Henry Louie and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Superintendent Tim Justus, Los Altos School District

Superintendent Tim Justus, Los Altos School District, addressed Council. He explained that his appearance before the City Council had a two fold purpose: to introduce himself and to acquaint Council with the projects the District had slated for the coming year. He offered that an issue that was most relevant to Los Altos Hills' residents was the District's interest in reopening a regular K-6 school at the Bullis School site. Justus noted that the expectation was to have a K-6 school operating at Bullis by the 2008-2009 school year. Justus reviewed the elements that had guided the District in their new approach to the Bullis site that included: new District administration; majority of School District Board members are newly elected including one Los Altos Hills resident and a review of the history of the school's closure. Justus suggested that when campuses are closed, a date for re-opening the school should be considered.

Justus provided an overview of the District's current efforts to investigate the potential reopening of the campus. Faculty committees have been created to review the type of

curriculum and instruction delivered and grade levels serviced at Bullis. He offered to keep the Council apprised of the District's progress in the venture as they reach appropriate benchmarks. Justus added that he viewed the Bullis campus as a wonderful site and an important asset to the community and District.

Justus reviewed the additional factors in the District's new approach to the Bullis site: demographic studies have shown a potential for future increases in school enrollment and the campus could assist with maintaining an overall enrollment at each school that would be considered "educationally sound"; funding projections have increased; and the site offers the opportunity to offer new programs to the community. He noted that the core curriculum would be continued at the site but the potential for a different delivery of instruction was being investigated.

Justus added that the current program of extended day kindergarten had been slated to continue at Bullis for the next school year and could potentially be expanded to other sites.

Council thanked Superintendent Justus for his presentation.

Councilmember O'Malley explained that the residents of Los Altos Hills were instrumental in the successful passage of the school bond measure that was promoted to include the refurbishment of the Bullis campus. Residents were very frustrated to have the school site closed shortly after the measure was passed. Council and residents felt their interests were not considered by the District Board and have since become advocates for the Bullis Charter School. O'Malley encouraged the District to locate the Charter School at the Bullis campus.

Councilmember Jones thanked Superintendent Justus for his appearance and added that open lines of communication were critical to a successful resolution of issues. He explained that the Town was divided between two excellent school districts and residents often feel they are in the minority in both. He had been active in the passage of the Measure H parcel tax and the closure of Bullis School was very unsettling. The closure was not due to a decrease in enrollment or for funding needs but because an additional school was built in Los Altos and the result was a large geographic area of the District (Los Altos Hills) did not have a school within its boundaries. Jones noted that he was pleased to hear the District publicly commit to reopen Bullis. He suggested that the Superintendent consider meeting with the Town's Standing Public Education Committee and encouraged an open dialogue and exchange of ideas with the membership.

Justus offered that he believed the area should have an elementary school and added that the Bullis site was a unique asset as a community resource. He agreed that it would be beneficial to meet with the PEC.

Mayor Kerr offered that the strong stand that City Council took in opposition to the District leasing the site to a private school was one of the reasons the school site was available to the District. It potentially could have been lost with a long-term lease. He expressed his displeasure that the District was considering continuing operation of the

extended day kindergarten at Bullis noting the increase in traffic and suggested that the program would be more appropriate at the individual school sites. Kerr added that since the reopening of Bullis was several years away, the District was afforded an opportunity to demonstrate their concern for fair treatment of the residents of Los Altos Hills by reviewing the Charter School's request for renewal of their Charter with respect.

Justus responded that he had enjoyed to-date his working relationship with the Charter School and he expected that if the school met the required criteria of the sixteen elements, the Charter would be renewed. Justus deferred any additional comments regarding a long term site for the Charter School due to ongoing litigation.

Council reiterated their appreciation for Superintendent Justus's forthcoming comments and dialogue.

2.2 January 1, 2006 Communications Report – Captain John Hirokawa

Captain Hirokawa, Santa Clara County Sheriff's Department, addressed Council. He explained that he was before Council to brief them on the bicyclist fatality that had occurred on Natoma Road on January 1, 2006 at approximately 9:30 am. Hirokawa noted that the responding Deputy, immediately upon his arrival, had determined that the bicyclist was deceased. Hirokawa proceeded with a timeline and response summary for the incident. He noted several miscommunications and procedural errors at County Communications, including a request for the City of Los Altos to respond with a Public Works crew. This was outside the scope of Dispatch's authority. County Communications were under the misinterpretation that this was a rescue mission rather than a fatality and in error used an outdated "call out list" for the Town. He explained that if it had been a rescue or life-endangering emergency, the Deputy on site would have immediately secured a crew (County Fire Rescue Unit and Tree Service contractor) to assist the bicyclist. Hirokawa reminded Council that this was a very busy time for all First Responders and emergency providers due to the severe winds and stormy conditions. He added that there were additional concerns for public safety created by the downed power lines and weather related issues and his Deputies had provided safe rides home for seven different groups of Los Altos Hills' residents that had been out walking.

Hirokawa reviewed the steps that have been taken to identify the problems and ensure that the miscommunication would not be repeated. Several meetings had been convened with County Dispatch and it had been determined that they did not follow procedures during the incident. Hirokawa believed the issues have been addressed and a strict protocol was in place. He explained that Lieutenant Calderon, Santa Clara County Sheriff's Department and Steve Garcia, Los Altos Hills Public Safety Officer had worked with County Communications to develop a protocol on "call out" procedures.

Mayor Kerr requested information on the signal outage at the intersection of El Monte. Hirokawa explained that the Sheriff's Department does not use boulevard (temporary) stop signs during power outages, noting the issue of liability if the sign is not removed in a timely matter. He explained that the vehicle code required motorist stop at the limit

line and then proceed if a signal light was out and the intersection was dark. Hirokawa added that he preferred to send his Deputies to patrol the neighborhoods during power outages to give the residents a sense of reassurance.

Mayor Pro Tem Warshawsky asked what guidance the Sheriff would offer to Town residents if a similar situation or emergency were to occur and what was the best way to communicate that there was a dangerous condition. Hirokawa responded that it was incumbent upon the resident to be self-reliant and take the appropriate emergency training courses i.e. CERT training. He noted that it was impossible for the Department to protect all residents in the Town.

Council thanked Captain Hirokawa for his report.

2.3 PG&E Recap of Storm Impacts in Los Altos Hills – Darren Deffner, Representative Government Relations

Darren Deffner, Government Relations Representative, addressed Council. He introduced Alynn Delisle, Director of Operations, Maintenance and Construction (OM&C) for PG&E. Deffner presented a PowerPoint presentation titled “Storm Impacts – January 2006.” The presentation included review of resource allocation for the storm response and normal staffing; storm overview-system wide, Los Altos Hills storm outage impacts (residents affected and the duration of the outages); review of the restoration process; and damage assessment.

Deffner explained that the storm was one of the largest in recent years in Santa Clara County and presented a distinct problem in the manner that it moved through the area in waves that prevented PG&E from responding to all of the outages in as timely a manner as they would have preferred. He noted that crews from all over the state and from neighboring states were called in to restore power. Deffner explained that of the 5500 customers in Town that were affected by the storm, fifty percent had their power restored within eight hours.

Alynn Delisle, Director of OM&C, reviewed the power restoration process that PG&E follows during a major storm noting that crews work the initial thirty six hours continuously and then on a “rest-work” schedule for the remainder of the storm. Delisle explained the use of stand by personnel for emergency situations during major storms. Personnel were employed in different roles, including direct calls to customers. The storm tally included: 2500 locations with damaged equipment, 300 miles of downed power lines and 500 downed power poles damaged or destroyed.

Mayor Pro Tem Warshawsky requested procedural information on the power outage update system employed by the utility. He wondered if it would be possible for the Emergency Communications Committee members to receive the information directly and be used as a resource for the Town. Delisle explained that PG&E does maintain a staffed emergency center but that the information they have was what was updated on their emergency computer generated automatic telephone system for customers. She noted that the information on the automated line was accurate and up to date and if a customer

sustains power outage for longer than 48 hours, they are personally contacted with a direct line to contact PG&E service.

Deffner explained that during a storm situation with numerous outages they respond to customers who have been out the longest.

Councilmember O'Malley thanked Deffner and Delisle for their efforts during the storm. He applauded their automated system and the continuous updates.

Councilmember Mordo concurred with O'Malley and congratulated PG&E for their quick response during the storm.

Deffner thanked Council for their comments. He noted that in relationship to agenda item 9.2, PG&E reviews every mile of their wires each year to ensure that the system was potentially safe and reliable during winter storms with regard to tree growth. A regular maintenance crew would be reviewing the Los Altos Hills system during the next few weeks. Deffner noted that they were supportive of any effort to remove the fast growing non native trees in the area and offered that PG&E would be willing to partner with the Town for resources for vegetation management. He added that they would review requests for assistance by residents (customers) on a case-by-case basis.

3. PLANNING COMMISSION REPORT

Planning Director Cahill reported that the Planning Commission had not met since the last Council meeting. At their January 19, 2006 meeting, the Commission was scheduled to review the Cingular Wireless application for an antenna at Town Hall and an application from Cingular Wireless for an antenna on Purissima Road.

Councilmember O'Malley suggested that the Council notification procedure for Fast Track and Planning Commission approvals be revised. Following a brief discussion, the Planning Director and City Clerk were directed to modify the meeting agenda face sheet and notification mechanism for better clarification.

Councilmember O'Malley requested that the approved pathway on Lands of Malavalli be revisited at a future meeting and suggested that a designated wildlife corridor might be more appropriate for the terrain.

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the Consent Calendar, specifically:

4.1 Approval of Minutes: Regular City Council Meeting December 15, 2005

4.2 Review of Disbursements: 12/3/2005 – 1/4/2006 \$210,071.44

5. UNFINISHED BUSINESS

Due to the length of the City Council meeting, Mayor Kerr deferred updates on Items 5.1, 5.2, 5.3 and 5.5 to the next City Council meeting. Council concurred.

5.1 Town Goals

5.1.1 Implementation of Strategic Conservation Goals

5.1.2 Bringing Public Education Back to the Hills

5.2 Underground Project Status Report

5.3 Update on General Plan Review

5.4 Update on Improved Cell Phone Coverage

5.4.1 Request for Town Support in Development of a Request for Proposals for a Regional Wireless Broadband Network – Joint Silicon Valley Network, et.al.

City Manager Maureen Cassingham introduced this item to Council. She explained that the request before Council was from the Joint Venture Silicon Valley Network seeking funding in the amount of \$2,500 for the development of an RFP for a Regional Wireless Broadband Network. The request had also been sent to other cities in San Mateo, Santa Clara, Alameda and Santa Cruz counties. The estimated cost of the RFP development was \$45,000 with \$2,500 the Town's share. All participating agencies would have the opportunity to offer input on the RFP document.

Following a brief discussion, Council consensus was that a high-speed wireless data network was complementary to the City Council's goal of improving voice communications and a great solution for broadband connections for rural areas.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to approve the request of \$2,500 for the preparation of a Request for Proposals for Wireless Silicon Valley from the Joint Venture Silicon Valley Network.

5.5 Status of Town Pathways Projects

Item continued.

6. NEW BUSINESS

6.1 Consideration of Solicitation of Current Email Addresses from Town Residents for Emergency Communications and Official Notices from the City Council

City Manager Cassingham introduced this item. She provided a brief background on the inception of the Town's resident email database noting that they had been provided to the Town by residents with the assurance that the email would be used for emergencies only and remain confidential. The email database was most recently employed when the City Clerk disseminated information on the storm debris collection program. Approximately 2500 emails were sent successfully and approximately 200 were failed transmissions. Cassingham explained that the item before Council was consideration of re-soliciting Town residents current email addresses for emergency communications and official notices from the City Council.

OPENED PUBLIC COMMENT

John Harpootlian, Anacapa, requested that Civic organizations be included in the database and all email mailings.

The City Clerk reported that his organization, Hills2000, had been included in the emergency storm clean-up email alert.

CLOSED PUBLIC COMMENT

Council discussion ensued. They suggested that a letter be sent to residents with options on how their email could be used by the Town. Suggestions included: emergency notices, official Town notices like public hearings, Town events and the Newsletter. Council consensus was to direct staff to move forward implementing the program. Interested local civic groups could be included in the database.

6.2 Proposed Agreement with the City of Los Altos for 25 Sewer Capacity Rights

City Engineer Henry Louie introduced this item to Council. He explained that to provide emergency relief to residents with failing septic systems, Councilmember O'Malley and staff had been working with the City of Los Altos to develop an agreement to provide an additional 25 sanitary sewer connections in the Los Altos Sanitary Sewer Basin. The Town would accept the administrative responsibility for the additional connections. The Town and the City were currently negotiating a new agreement which would be considered by both Councils in the next few months that would supersede the 1985 Sewer Agreement. Louie noted that in order to objectively evaluate and prioritize resident applications for the 25 sewer connections, staff had developed an application form to assess the existing septic systems and would require an engineering report describing the condition of the system with the application. Louie reviewed the additional factors in the proposed application process including a requirement that the connection must be made within sixty (60) days by those awarded connection rights. Council discussion ensued. Council thanked Councilmember O'Malley for his efforts on acquiring the interim connections for residents. It was noted that the Town will now

receive the fee for the sewer connection. The new fee schedule would be established following a public hearing at a future Council meeting.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to authorize and direct the City Manager to act on behalf of the Town of Los Altos Hills in entering into an agreement with the City of Los Altos for an additional twenty-five residential sewer connections. Resolution #2-06

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember O'Malley reported that the Board of Supervisors at their January 10, 2006 meeting had unanimously approved on their consent calendar direction to the County Executive to meet with representatives and consultants from Los Altos Hills, Cupertino, Saratoga and Monte Sereno to discuss their current Transportation Equity Act (TEA) agreement and to explore the possibility of developing a mutual beneficial amendment. Supervisors Kniss and Beall had sponsored the item. Council was pleased with the progress that was being made on this issue by Consultant Greg Sellars. O'Malley offered that the Mayors of the participating cities would be sending an email voicing their appreciation for their assistance and requested that Mayor Kerr extend his thank you as well. Kerr agreed.

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham reported that the City of Los Altos had added a second Councilmember to serve on the subcommittee that is charged with reviewing the draft sewer agreement between the City and the Town. Cassingham suggested that it would be appropriate for another Town Councilmember to join if there was interest.

Councilmember Mordo volunteered. Councilmember O'Malley offered to provide him with all pertinent materials to date.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

The City Clerk advised Council that they had a letter before them on the dais authored by City Engineer Henry Louie. Louie's letter was in response to a letter from resident Maynard Stevenson that had been included in the Council correspondence.

9. COUNCIL-INITIATED ITEMS

9.1 Discussion of Holiday Storms and Emergency Response – Mayor Kerr and Mayor Pro Tem Warshawsky

City Manager Maureen Cassingham introduced this item. She noted that Captain Hirokawa had provided a detailed report to Council earlier and she would provide a supplemental report highlighting the Town's response to the recent storms. Cassingham explained that the Town's contractors responded to downed branches and trees on December 31, 2005 and their efforts extended to New Year's Day, January 1, 2006. She offered that the Town's First Responders including the Sheriff's Department, County Fire, PG&E and the Town's contractors performed in an appropriate manner for the existing situation. A decision was made not to activate the EOC because the required criteria had not been met.

Cassingham explained that the storm response commenced with the most urgent issues being addressed first; i.e. downed power lines, debris removed to the side of roadways to clear passage, blocked drainage culverts were cleared and failed culverts were addressed. A Town wide storm debris clean-up collection program was activated by the Los Altos Garbage Company and offered to Town residents on two consecutive Saturdays. Residents were advised of the collection of storm debris via press releases, Town website alert, email notification, mailing by LAGCo via the post office and banners at the entrances to Town. Cassingham noted that the operation was very successful and well received by residents.

Cassingham gave special thanks to the Town's contractors, Mc Clenahan Tree Service, Aly's Tree and Casey Construction for their efforts.

The estimated cost of the storm was approaching \$80,000. \$70,000 had been incurred for fallen tree clean-up, scheduled debris removal and the LAGCo collection program and the storm drain inlet was estimated at \$7,500. Cassingham offered that \$25,000 would be billable to residents and most costs would be supported by the Solid Waste Funds with relatively little impact on the General Fund.

Cassingham reviewed the "lessons learned" from the storm response and the follow-up actions taken with Council. As explained by Captain Hirokawa, the protocol required fine tuning and had been reviewed and reiterated to County Communications. She added that it was unfortunate that the City of Los Altos was called out and she had sent a letter thanking the City for their efforts during the incident. In response to a question from Council, she explained that County Communications was regularly provided with an updated on-call list for the Town with one being forwarded on December 6, 2005 and recently refreshed with an additional contractor. Cassingham was confident with the recent discussions; County Communications would adhere to the proper protocol.

Councilmember O'Malley thanked staff for their efforts during the storm.

Mayor Pro Tem Warshawsky concurred that response from staff was excellent and congratulated Cassingham on her efforts to return the Town to business as usual. He questioned what would have activated the Emergency Operations Center. Warshawsky

suggested that the storm was very severe and with the danger of the downed power lines he wondered why the Emergency Communications Committee was not used.

Cassingham explained that the storm was not a disaster. The Town had experienced a series of traffic related incidents compounded by downed power lines. The incidents were isolated. Cassingham referenced the Town's Emergency Plan and reviewed the criteria that must be met to activate the EOC and noted that at least five general criteria must exist to indicate when the EOC was activated. They included: 1) resources beyond the Town's capabilities are required; 2) the emergency is of long duration; 3) major policy decisions may or will be needed; 4) local or State emergency is declared; and, 5) that activation of an EOC would be advantageous to the successful management of an emergency. The City Manager noted that in addition to staff, the Mayor, Mayor Pro Tem, Hams and City Councilmembers may activate the EOC. Cassingham added that First Responders can also activate an EOC and that no First Responder indicated that the criteria had been met and in discussion with several of the ECC members they had concurred.

Councilmember Mordo suggested that this was a good rehearsal for a "disaster" and it would be appropriate for Council to understand their role in an emergency.

Mayor Pro Tem Warshawsky questioned why the ECC was not contacted during the storm. City Manager Cassingham explained that she was in continuous contact with the First Responders and at no time did they indicate it was necessary to call for extra resources, including the ECC. She added it was important to rely on your experienced, trained, professionals to assess the situation. She urged Council to participate in the training and familiarize themselves with emergency operations.

Mayor Kerr concurred that the storm was not a disaster. He was surprised there were communication glitches. Kerr complimented the Mayor Pro Tem for his efforts during the storm. He questioned what actions would be taken at County Communications in response to there errors and wondered if the Town would receive a rebate in their charges or if an employee would be terminated or reprimanded. Kerr wanted insurance that this would not happen during a disaster.

City Manager Cassingham responded that a protocol error was made and lessons were learned and a better system was in place because of the error. The response was appropriate but an unfortunate chain reaction of miscommunications lead to some confusion but did not affect the First Response.

Councilmember Jones offered that he gleaned from Captain Hirokawa's report that there was a mistake made at the Emergency Communications Center but because the Sheriff's Office was dealing with a fatality the situation was not a true emergency. A different response would have been activated if it was a rescue situation.

Kerr questioned if the Town was relying too much on contract services for it's after hours emergencies and if using 911 for all emergencies was appropriate.

City Manager Cassingham clarified the 911 call-out protocol for Council and noted that it was very incident specific. She explained that County Communications had a list of contact staff that could respond quickly to any situation. Safety Officer Steve Garcia is first on the list. During business hours, residents should contact Town Hall and after hours, call 911 and they would contact the appropriate staff and vendors. Cassingham noted that the vendors were better equipped, had more man power and it was more cost effective to use these resources for after hours emergencies. She added that there has been an on-going effort since she came to the Town to improve the Town's emergency response.

Mayor Kerr suggested that he would like another option for residents to call after hours other than 911. O'Malley noted that he would be against having residents contact staff directly after hours relating a past experience of a resident who logged 331 calls to 911.

City Manger Cassingham offered that the Town's after hours phone message has contact information for residents according to their particular situation.

OPENED PUBLIC COMMENT

Dru Anderson, Emergency Communications Committee Chair, concurred with the First Responders assessment of the storm that it was not a disaster. The ECC was prepared to offer assistance if it was needed. Rick Ellinger, ECC member, drove the Town and reported that the streets were passable. Anderson suggested that the missing link during the storm response was communication and offered that a call liaison to the Committee might be an appropriate addition to an informal protocol. She suggested that a joint training session with the City Council and Emergency Communications Committee would be productive.

Scott Overstreet, Emergency Communications Committee, explained that the ECC was chartered to gather information and to provide communication from the Town to the County, hospitals, and Hams in the Town who are called to mobilize and assist where needed as directed by staff. The Committee members are not rescuers but emergency communicators during a "time of need." He defined a "time of need" as a situation when communication systems are not functioning. If telephones and the internet are working, they are the preferable means of communication. Overstreet noted that the ECC would be very valuable when telephones are not functioning similar to the 1989 earthquake.

Nancy Ginzton, Natoma Road, explained what she experienced was a storm. Her street had been impacted but she questioned why it was being discussed as a disaster.

CLOSED PUBLIC COMMENT

9.2 Discussion of Controlling Potential Issues with Eucalyptus Trees in Los Altos Hills – Mayor Pro Tem Warshawsky

Mayor Pro Tem Warshawsky explained that following the recent storm and the numerous comments from residents regarding Eucalyptus trees, he had requested this item be agendaized for Council discussion. During the investigative process for the pilot undergrounding project, he had acquired information on the non-native, fast growing trees that are extremely brittle, grow very large, prone to losing branches, susceptible to fire and collect in groves. Warshawsky reviewed options for discouraging eucalyptus trees, including: arborist evaluation of the Town's trees; consideration of a Town requirement that the trees be removed with the issuance of site development or building permits; potential incentives to residents to remove the trees; and, joining with PG&E in their vegetation management program to review the trees on a case by case basis.

Mayor Kerr explained that this was a general discussion of the item and that Council would only be giving direction to staff on the subject or scheduling it for further discussion.

OPENED PUBLIC COMMENT

Jitze Couperus, Page Mill Road, cautioned the Council in taking action against all eucalyptus species, noting that the Blue Gum variety also known as the Silver Dollar was an excellent landscape-screening tree. Couperus added that the pine tree was also troublesome and suggested that the problem trees be identified as a "tree of interest".

Nancy Ginzton, Natoma Road, explained that she has been concerned about the dangers of very large eucalyptus trees for years and suggested they be removed or heavily pruned. She would like to see all "unhealthy" trees receive the same consideration.

Richard Simko, Black Mountain Road, stated that he was before Council at the suggestion of Councilmember Mordo. He had reported the leaning Eucalyptus trees on Natoma that may have been a factor in the bicyclist fatality to PG&E and to the Town on two different occasions. Simko spoke with Steve Garcia who explained that notices had been sent to the property owner. PG&E had returned his calls and left a message and he had retained the message tape. He suggested that the Town should move forward with a reasonable process to mitigate dangerous trees possibly by using an arborist to identify hazardous trees. Mr. Simko added that some responsibility was with the bicyclist for riding in the high wind conditions. He believed this was ill advised.

Judy Anderson, W. Sunset Drive, shared her experience with a falling eucalyptus tree branch onto her car at Chapin and Burke Road. She provided photos of the incident to Council. She reported her concerns regarding hazardous trees in Town to Public Safety Officer Steve Garcia. She cited additional incidents that had occurred over the past three months. Anderson would like to see dangerous large trees removed or cut to a minimum of ten feet.

Dru Anderson, Saddle Court, offered that it was not only eucalyptus trees that were a hazard. During the recent storm, a large pine fell on her property. She suggested that a program similar to weed abatement that required tree pruning for residents on ridge lines or on major roads in Town might be an appropriate solution.

Scott Overstreet, Encinal Court, applauded the work by PG&E to restore the lines during the recent storm and noted that the issue had not been just eucalyptus trees during the high winds but oak and pine trees were also impacted. He suggested that any requirement not be specific to species but should be attributable to hazardous trees. The tree management should be the responsibility of the homeowner.

Tom Turner, Liddicoat Circle, shared his experience with the devastating 1985 fire in his Los Altos Hills neighborhood that had destroyed eleven homes. The fire had been started by an arsonist but was augmented by the groves of eucalyptus trees in the area. Turner offered that the trees were instrumental in spreading the fire. The trees were the responsibility of Palo Alto and he had personally reported issues to the City. Following the fire, he was successful in litigation with Palo Alto.

Alexander Atkins, Orchard Hill Lane, shared his concerns about eucalyptus trees on his neighbor's property. He believed they affected his quality of life and there was a moral and legal obligation of the Council to end the threat to residents created by the dangerous trees.

Sandy Humphries, Environmental Design and Protection Committee, reported that they regularly comment on eucalyptus trees on sites when reviewing them for permits. She requested that when tall trees were slated to be removed, other tall trees due to their importance to nesting raptors replace them.

Duffy Price, Anacapa Drive, noted she was in agreement with comments that had been made during the discussion and concurred that corrective action was needed. Price offered that the Los Altos Hills County Fire District, of which she was a Commissioner, had a proactive weed abatement program and she encouraged that a similarly strong mitigation plan for eucalyptus trees be developed.

Councilmember O'Malley suggested that it would be beneficial to have a positive comment on such a program from the District Commissioners.

Resident, Hilltop Drive, suggested that the Town consider working with the City of Los Altos and promote a campaign for the citizens to review and manage vegetation on their respective property.

CLOSED PUBLIC COMMENT

Council discussion ensued. Councilmember O'Malley suggested that the staff contact similar rural neighboring Towns (Woodside, Portola Valley) to investigate what policies were in place on this issue and return to Council with their findings.

Planning Director Cahill suggested that the review of tree procedures and policies should be approached to consider two distinct issues; 1) trees in a public right-of-way; and 2) trees on private property and any requirements that the jurisdictions might have during the site development permit process for the removal of existing eucalyptus and the

planting of new ones. Councilmember O'Malley added that any requirement to trim trees should be included in the investigation.

Councilmember Mordo agreed it would be beneficial to learn what was being practiced in other communities but regardless of what was being done, he believed the Town should take the initiative on hazardous trees noting that eucalyptus were a particularly dangerous species. Mordo suggested that it would be appropriate for the Town to investigate a method to assist residents with the cost on a case-by-case basis possibly by working with PG&E and offered that this was not a total subsidy because falling trees/branches do cause damage and debris clean-up whose costs are borne by the Town. In conclusion, Mordo suggested this would be a positive way to honor Mr. Plummer.

Councilmember Jones thanked Mayor Pro Tem Warshawsky for suggesting the timely discussion. He concurred with Councilmember O'Malley that it would be appropriate for staff to investigate the policies of surrounding communities. Jones suggested that the Environmental Design and Protection Committee or an Ad-Hoc Committee might also be a tool for in depth exploration on the topic and provide direction and guidance to the staff. He offered there were several issues he would like included in the review: 1) proposed ban on any planting of blue gum eucalyptus in the future; 2) potential site development condition of approval to remove existing blue gum eucalyptus; 3) strengthen the ordinance of resident responsibility with regard to dangerous trees or tree limbs on their property; 4) Town sponsored annual program of tree trimming on major roads in conjunction with PG&E's vegetation management program; and 5) the removal of blue gum eucalyptus trees on Town owned property.

Mayor Pro Tem Warshawsky thanked the audience and Council for their participation in the discussion. He concurred that all trees should be reviewed but suggested that the eucalyptus be considered as a priority noting that they were a fire danger and presented a real hazard from falling. He noted that Eucalyptus trees that were pruned still presented a danger. Warshawsky suggested that he would prefer staff begin the initial process and return to Council with their findings and draft ordinance and at some future time have the Environmental Design and Protection Committee refine the ordinance.

Mayor Kerr suggested that he was of the opinion that there were two aspects to the discussion: 1) the issues outlined by Councilmember Jones and he concurred that they should be referred to staff; and 2) the existing leaning eucalyptus trees as a result of the recent storm that were throughout Town. Kerr offered that the Town should move forward with a cursory inspection by an arborist of trees on major roadways to identify dangerous trees. He suggested that the Town move forward with some immediacy on the inventory and take corrective action on an emergency basis noting that it was appropriate to simultaneously review the development of an ordinance or modify the landscape guidelines but that this could be a lengthy process.

City Manager Cassingham noted that the Municipal Code does have provisions for requiring property owners to take action on identified dangerous trees under their control. She added that the Town could proceed with the inventory.

Mordo suggested that the existing code was not broad enough and does not include trees that were deemed dangerous by their height and he would like to see a revised ordinance.

City Engineer Henry Louie reported that he was scheduled to meet with PG&E to review trees near power lines throughout the Town.

Following a brief discussion, Council directed the City Manager to move forward with an inventory of trees (tree condition) on the major thoroughfares. Due to the urgency of the issue, by consensus of Council, the signature authority of the City Manager was increased to \$10,000 to hire an arborist/consultant for the study.

Planning Director Cahill reviewed the direction given to staff by Jones. He reviewed the current existing code enforcement for tree issues and suggested that one possible solution might be an ordinance similar to the view ordinance. Cahill suggested that any program that offered financial assistance to the property owner for tree maintenance would be under the purview of the Finance Department. City Manager Cassingham added that staff would need to provide Council with costs associated with the recommendations offered by Council and whether the Town's liability and insurance premiums would be affected.

Councilmember Jones suggested that an incentive approach might be an appropriate solution to a Town financed program. Councilmember O'Malley added that the solid waste fund might be a source of funding for any tree management program.

9.3 Preliminary Report from Ad Hoc Committee on Parks and Recreation Facility Oversight – Councilmember Jones

Councilmember Jones explained that he was before Council to present a preliminary report from the Council Ad Hoc Committee that was chartered to study the management of Parks and Recreation facilities broadly and to focus initially on Westwind Barn. Jones proceeded with a PowerPoint presentation. He reviewed the areas of study that the Committee was tasked noting that a separate committee had been formed to determine the physical plant plans for the Barn whose meetings would be convened following the receipt of the renovation consultant's report. Jones identified the principles of the Ad Hoc Committee for Westwind Barn and other Town recreation facilities as transparency, accountability, accessibility and visibility by the City Council. The Committee's members included: Councilmember Jones-Chair, Mayor Kerr, and Parks and Recreation Standing Committee members Steve Johnson and Val Metcalf. The Committee had met twice and interviewed Friends of Westwind, Supporters of Westwind Community Barn and additional active participants at Westwind.

The Committee identified certain current facts about the Barn. The existing governance structure had been in place since 1977 and was created for its simplicity and minimal involvement of Town staff and Council and it limited the Town's liability. Community interest in the Barn had been historically relatively low, however, the current demographics of the Town have changed and there was an increased interest in Parks and Recreation programs at the Barn. The Committee has also determined that riding was a

major recreational asset in Los Altos Hills and Council and residents believe that it was appropriate to maximize the valued asset for the greater community.

The Committee had defined four objectives for the Barn: 1) to continue the accommodation of current users including the borders and 4H program; 2) expand the riding Parks and Recreation programs at the Barn; 3) to allow access to funds for renovation; and, 4) to maintain and enhance a viable revenue model in terms of ongoing revenue at the Barn. Jones assessed the current facts as they related to the noted objectives that included: the barn was in need of renovation and funding; the increased community demand for extensive youth programs at the Barn; funding was expected to be a continuing problem under the existing management structure; and, funding needs would require a change in the governance of the Barn. Jones added that the Friends of Westwind had been good stewards of the site and the facility and nothing nefarious had been going on at Westwind historically or presently. However, it was clear there was not adequate funding for upkeep and renovations.

Jones explained that during the Committee's due diligence evaluation of Westwind, additional issues had been identified. The living conditions at the Barn for the full-time staff needed to be addressed and upgraded and the financial arrangements for non resident users of the facility needed to be evaluated for fair market charges.

Jones offered that the Committee suggested three alternative approaches as possible solutions to the issues: 1) no change in governance but either request Friends address living conditions for their staff and/or the Town make immediate physical changes-in addition request the Friends ensure fair market was charged all non-resident users; 2) request that Friends consider a renegotiation of their lease and a change of their contract to a Management Service Agreement to be reviewed on an annual basis and additionally request changes in the Friends governance with a proposed change in their By-laws that non-residents could not vote for the Board of Directors and, potentially, an increase in facility sharing obligations with the Town; and 3) Town manage the Barn and allocates space to users including the Friends.

Jones noted that if there was a successful resolution to the negotiations with Friends and an agreeable governance to the stakeholders, the potential for expansion of the facility was a viable possibility.

Jones explained that the Committee was not recommending the first alternative offered but the second or third alternative or some variation of the two was amenable.

Jones reviewed the Committee's "next steps" in the process with Council. They included direction to Town staff to ensure that a window was installed in the living quarters at Westwind; an external review by the Ad Hoc Committee of management of other local barns; final report on the findings to the Council by early March to be followed by public hearing and a City Council decision on the choice of options.

Jones requested direction from Council and input on the Committee's effort to date.

Mayor Kerr, AdHoc Committee member, requested that Susan Lam be considered as a member of the Committee.

Council discussion ensued. They reviewed each of the identified “next steps”. Council’s unanimous consensus was to direct staff to proceed with item number one and move forward with the installation of a window in the living quarters. Councilmember Jones request as Chair to review other Barns and their respective management was supported by the Council. Staff was directed to add the final report of the Committee to the March agenda and to move forward with a public hearing and consideration of action by Council.

Council consensus was to appoint Susan Lam to the AdHoc Committee.

Council consensus was to support Councilmember Jones approaching the Friends of Westwind to explore their interest in discussion of a possible change in their lease agreement to a Management Services Agreement. Councilmember O’Malley recused himself and did not participate in the discussion of this direction to the Chair of the Committee.

Councilmember Mordo thanked Councilmember Jones for his presentation and acknowledged that it had addressed the major issues with the governance at Westwind. He suggested that it was his opinion that the success of any of the options was also dependant on the employment of a professional experienced barn manager whose employment was approved by Town staff and the City Council.

Jones explained that a new barn manager had recently been employed by the Friends and he had not had an opportunity to meet him to date. Jones added that the recommendation offered by Mordo could be included in the MSA.

9.4 Consideration of Mayoral Appointment of Representative to Santa Clara County Cities Association – Councilmember Jones

Mayor Kerr explained that Councilmember Jones was unable to serve as the Town’s representative to the Cities Association due to the conflict of their meeting schedule with the Council’s meeting schedule. He suggested that a Planning Commissioner be appointed to serve in this capacity. Kerr noted that the Association was currently reviewing their By-Laws to determine if a non-elected official could voter.

Following a brief discussion, consensus of the Council was to have the Mayor inquire if any Planning Commissioners were interested in the position and to move forward with the appointment. If more than one expressed an interest, the appointment would return to Council for their consideration.

10. PRESENTATIONS FROM THE FLOOR

Dan Alexander, Elena Road, presented the Council with a check for \$2,000 from the Los Altos Hills Historical Society to help defray costs for the Town’s History Display project.

Council thanked Alexander for the generous gift.

Ed Smith, De Bell Road, expressed his frustration with the recent actions of T-Mobile during their installation of the "COW" cell phone antenna at the California Water Service water tank that was located next to his property. He explained that they had used his driveway for the installation without his permission. Smith reported damage that was done to his retaining wall. He believed there were issues with legal setbacks, traffic, and safety. He provided Council with a series of photographs of the trucks traveling on his drive and the damaged retaining wall. Smith had not been contacted by T-Mobile.

April Anair, De Bell Road, explained she was upset with the installation of the T-Mobile Cow. She explained that it was very unsightly and had been advised by realtors that it would negatively impact her property. T-Mobile had run the very noisy generator constantly for several days and large equipment including a cheery picker were left in her backyard. She provided photos to Council of the equipment.

Planning Director Carl Cahill explained that the right-of-way issue that had been noted by Mr. Smith had put the project on hold. He added that both he and Debbie Pedro had visited the site immediately upon hearing of the issues and had contacted T-Mobile to shut down the generator.

Sandy Humphries, Fremont Road, requested that when any generator was installed in Town, a condition that they be double insulated for noise to protect the solitude of the residents be considered.

Ellen Smith, De Bell Road, requested that the City Council consider what impact cell towers have on the rural, quiet life style enjoyed by the residents of the Town. She offered that the towers were very invasive.

Randy Harr, Miranda Way, explained that he was first made aware of the COW antenna's proposed installation in an article in the Town Crier. He notified staff and was informed that he would be contacted if the project moved forward. Harr informed his neighbors. He did receive a notice ten days prior to the installation. He reported that the installation occurred over the Christmas holidays. Harr found fault with the staff for not informing him that a T-Mobile application had been submitted to the Town and he had not been notified.

Mayor Kerr offered that Council had mailed a Town wide notice to residents and conducted an extensive public hearing on the issue of cell towers and cell phone coverage in Los Altos Hills.

Councilmember Jones suggested that perhaps the procedure/methodology for the placement of COWs should be reviewed.

Planning Director Cahill offered that COWs have been installed in Town for approximately ten years. In response to the De Bell tower, Cahill noted that once staff was informed of the situation, California Water and T-Mobile were contacted and staff

met with the neighbors on site the next day for approximately two hours. Copies of all documents on the project were provided to Mr. Harr and a CD of the documents was prepared for easier viewing of the information.

Mayor Pro Tem Warshawsky explained that the purpose of the COW was to serve as a story pole and to judge technical capability for a proposed antenna. They are not meant to be permanent installations.

11. PUBLIC HEARINGS

11.1 Consideration of Fee Exemption for building Permits Issued by the Town for Solar Energy Generation Equipment

Planning Director Carl Cahill introduced this item to Council. He explained that Council had unanimously approved the reduction in fees for solar permits at the December 15, 2005 City Council meeting. Adoption of the proposed resolution would amend the schedule of "Fees, Deposits, Charges for Service and Other Assessments" accordingly.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to adopt Resolution #1-06 adopting a revised fee schedule to be effective on January 13, 2006.

11.2 Introduction of Proposed Ordinance Amendments to the Town's Zoning Code with Regard to Fences, Walls, Gates and Columns (Section 10-1.5.507) (FIRST READING)

Motion to waive further reading

Motion to introduce ordinance

Planning Director Carl Cahill introduced this item to Council. He offered that the proposed ordinance was the first charge of the Ad-Hoc Planning Committee. Cahill reviewed the major changes included in the proposed amendments that included: 1) the requirement of neighbor notification and a site development hearing for fences that require the removal of existing landscape screening; solid fences that impact neighbor views; and any other proposal that the Planning Director deemed appropriate for a hearing; 2) wildlife corridor fences located in or around officially designated wildlife corridors would be subject to the same requirements that apply to fences on the perimeter of open space/conservation easements; and, 3) the replacement of existing legal nonconforming fences must conform to the requirements of the new ordinance.

Cahill noted that the definition of a "view" was directly from the Town's View Protection Ordinance. The Ad Hoc Planning Committee and Planning Commission were in concurrence to recommend adoption of the proposed ordinance.

OPENED PUBLIC HEARING

Dru Anderson, Saddle Court, questioned whether the ordinance would regulate a solid wood fence that impacted a vista view. She believed a broader notice would be appropriate if the fence had a greater impact like on a major road in Town.

CLOSED PUBLIC HEARING

Council discussion ensued.

Councilmember Mordo thanked the Planning Director for his guidance during the development of the ordinance. As a member of the Ad Hoc Committee, he suggested that the proposed ordinance was a reasonable approach to the issue of fencing in Town and was a successful compromise.

Mayor Pro Tem Warshawsky, also a member of the Ad Hoc Committee, concurred with Mordo. He explained that the Committee had reviewed historical issues and controversial fences that had been constructed in the past. It was determined that notification of the immediate neighbors might have resolved many issues. Warshawsky noted that the identification of wildlife corridors was being addressed by the Open Space Committee.

Councilmember O'Malley offered that he had been reluctant to make any changes to the existing code but felt that the suggested changes were reasonable. He noted that with the definition of view not being subjective but tied to the Town's view ordinance, he could support the amendments.

Councilmember Jones explained that the suggestion of a revised fence ordinance was first broached at the City Council's strategic planning meeting and discussed as a means to retain the rural nature of Los Altos Hills without being onerous to property owners. He believed the revisions to the existing ordinance were a first good step.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Warshawsky and passed unanimously to waive further reading and introduce the ordinance amending Section 10-1.507 of Article 5 of Chapter 1 of Title 10 of the Los Altos Hills Municipal Code regulating fences, walls, gates and columns. Staff was directed to schedule the second reading and adoption of the ordinance.

12. CLOSED SESSION

13. ADJOURNMENT

There being no further business, the January 12, 2006 regular City Council meeting was adjourned by the consensus of the Council at 11:00 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The January 12, 2006 City Council Meeting minutes were approved as presented at the February 9, 2006 Regular City Council Meeting.